

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 201

SENATE BILL 1063

AN ACT

AMENDING SECTIONS 28-334, 28-2351, 28-2403, 28-2405 AND 28-2409, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2419; AMENDING SECTIONS 28-6501, 28-6706, 28-6991, 28-6993 AND 28-7312, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-334, Arizona Revised Statutes, is amended to
3 read:

4 28-334. Acceptance and expenditure of federal monies;
5 limitations

6 A. The department may accept and expend grants, donations, aid or
7 other monies received from the federal government or any agency of the
8 federal government for any transportation purpose.

9 B. The department may contract and do all things necessary to secure
10 the full benefits available to this state for transportation purposes under
11 federal law and, in doing so, may cooperate with federal, state and local
12 government agencies, INDIAN TRIBES, private and public organizations and
13 private individuals.

14 C. This chapter shall not be construed to affect the authority of
15 other agencies or boards of this state or political subdivisions from
16 accepting, receiving or expending grants or other monies from the federal
17 government or any agency of the federal government for transportation
18 purposes pursuant to other provisions of law or charter.

19 Sec. 2. Section 28-2351, Arizona Revised Statutes, is amended to read:

20 28-2351. License plate provided; design

21 A. The department shall provide to every owner one license plate for
22 each vehicle registered. At the request of the owner and on payment of any
23 required fee, the department shall provide either one or two license plates
24 for a vehicle for which a special plate is requested pursuant to this
25 chapter, except that the department shall provide one license plate if the
26 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

27 B. The license plate shall display the number assigned to the vehicle
28 and to the owner of the vehicle and the name of this state, which may be
29 abbreviated. The director shall coat the license plate with a reflective
30 material that is consistent with the determination of the license plate
31 commission established by section 28-2405 regarding the color and design of
32 license plates and special plates as prescribed by section 28-2405. The
33 director shall design the license plate and the letters and numerals on the
34 license plate to be of sufficient size to be plainly readable during daylight
35 from a distance of one hundred feet.

36 C. Notwithstanding any other law, the department shall not contract
37 with a nongovernmental entity to purchase or secure reflective material for
38 the plates issued by the department unless the department has made a
39 reasonable effort to secure qualified bids or proposals from as many
40 individual responsible respondents as possible.

41 D. The license plate commission established by section 28-2405 shall
42 determine the color and design of the license plate. All other plates issued
43 by the department, except the plates issued pursuant to sections 28-2412,
44 28-2413, 28-2414, 28-2416, ~~28-2417, 28-2418,~~ THROUGH 28-2419, 28-2452,
45 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the

1 same color as and similar in design to the license plate as determined by the
2 commission.

3 E. A passenger motor vehicle rented without a driver shall receive the
4 same type of license plate as issued for a private passenger motor vehicle.

5 Sec. 3. Section 28-2403, Arizona Revised Statutes, is amended to read:
6 28-2403. Special plates; transfers; violation; classification

7 A. Except as otherwise provided in this article, the department shall
8 issue or renew special plates in lieu of the regular license plates pursuant
9 to the following conditions and procedures and only if the requirements
10 prescribed by this article for the requested special plates are met:

11 1. Except as provided in section 28-2416, a person who is the
12 registered owner of a vehicle registered with the department or who applies
13 for an original or renewal registration of a vehicle may submit to the
14 department a completed application form as prescribed by the department with
15 the fee prescribed by section 28-2402 for special plates in addition to the
16 registration fee prescribed by section 28-2003.

17 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
18 28-2414, 28-2416, ~~28-2417, 28-2418,~~ THROUGH 28-2419, 28-2452, 28-2453,
19 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall
20 be the same color as and similar to the design of the regular license plates
21 that is determined by the license plate commission pursuant to section
22 28-2351.

23 3. Except as provided in section 28-2416, the department shall issue
24 special plates only to the owner or lessee of a vehicle that is currently
25 registered, including any vehicle that has a declared gross weight, as
26 defined in section 28-5431, of twenty-six thousand pounds or less.

27 4. Except as provided in section 28-2416, the department shall charge
28 the fee prescribed by section 28-2402 for each annual renewal of special
29 plates in addition to the registration fee prescribed by section 28-2003.

30 B. Except as provided in section 28-2416, on notification to the
31 department and on payment of the transfer fee prescribed by section 28-2402,
32 a person who is issued special plates may transfer the special plates to
33 another vehicle the person owns or leases. Persons who are issued special
34 plates for hearing impaired persons pursuant to section 28-2408 and
35 international symbol of access special plates pursuant to section 28-2409 are
36 exempt from the transfer fee. If a person who is issued special plates
37 sells, trades or otherwise releases ownership of the vehicle on which the
38 plates have been displayed, the person shall immediately report the transfer
39 of the plates to the department or the person shall surrender the plates to
40 the department as prescribed by the director. It is unlawful for a person
41 to whom the plates have been issued to knowingly permit them to be displayed
42 on a vehicle except the vehicle authorized by the department.

43 C. The special plates shall be affixed to the vehicle for which
44 registration is sought in lieu of the regular license plates.

45 D. A person is guilty of a class 3 misdemeanor who:

1 1. Violates subsection B of this section.

2 2. Fraudulently gives false or fictitious information in the
3 application for or renewal of special plates or placards issued pursuant to
4 this article.

5 3. Conceals a material fact or otherwise commits fraud in the
6 application for or renewal of special plates or placards issued pursuant to
7 this article.

8 Sec. 4. Section 28-2405, Arizona Revised Statutes, is amended to read:
9 28-2405. License plate commission

10 A. A license plate commission is established. The commission is
11 composed of the following members:

12 1. Two public members who are appointed by the director of the
13 department of transportation.

14 2. A person who is appointed by the governor from the governor's
15 office of highway safety and who serves at the pleasure of the governor.

16 3. The director of the department of public safety or the director's
17 designee.

18 4. The director of the department of transportation or the director's
19 designee.

20 5. The director of the office of tourism or the director's designee.

21 6. The director of the state department of corrections or the
22 director's designee.

23 B. The director of the department of transportation or the director's
24 designee shall serve as chairman of the commission. The chairman shall
25 preside at commission meetings and coordinate the activities of the
26 commission and staff implementation of commission actions.

27 C. All official actions of the commission shall be decided by a
28 majority vote of commission members.

29 D. The commission shall determine the following:

30 1. The color and design of license plates.

31 2. The color of special plates to be the same as and the design of
32 special plates to be similar to the license plates, except for special plates
33 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, ~~28-2417,~~
34 ~~28-2418,~~ THROUGH 28-2419, 28-2452, 28-2453, 28-2454 and 28-2455 and article
35 14 of this chapter.

36 3. Whether to authorize special organization plates pursuant to
37 section 28-2404.

38 4. The indicia for special organization plates issued pursuant to
39 section 28-2404.

40 E. The department shall provide the commission with staff and
41 technical assistance as necessary to perform its functions.

42 F. Commission members are not eligible to receive compensation, but
43 the members who are appointed pursuant to subsection A, paragraphs 1 and 2
44 of this section are eligible for reimbursement of expenses pursuant to title
45 38, chapter 4, article 2.

1 Sec. 5. Section 28-2409, Arizona Revised Statutes, is amended
2 effective from and after June 30, 2004, to read:

3 28-2409. International symbol of access special plates:
4 placard; definitions

5 A. The department shall issue special plates bearing the international
6 symbol of access to either:

7 1. A person who is permanently physically disabled and who is an owner
8 or lessee of a motor vehicle.

9 2. An organization that owns or leases a motor vehicle that primarily
10 transports physically disabled persons.

11 B. A permanently disabled special plate issued under this section is
12 valid for as long as the person to whom the plate is issued qualifies for
13 issuance under this section.

14 C. A person who is permanently physically disabled may obtain, if
15 qualified, a permanently disabled removable windshield placard. A person who
16 is temporarily physically disabled may obtain, if qualified, a temporarily
17 disabled removable windshield placard. An organization that primarily
18 transports physically disabled persons may obtain, if qualified, a placard
19 for each of the qualified vehicles. The department shall issue only one
20 valid placard to a temporarily or permanently physically disabled applicant,
21 except to replace a lost, stolen or mutilated placard or if the department
22 determines, on receiving the applicant's written request, that the needs of
23 the applicant are such that two valid placards are required. The department
24 shall issue a placard pursuant to this section at no additional charge.

25 D. A permanently disabled removable windshield placard issued or
26 renewed under this section is valid for five years. A temporarily disabled
27 removable windshield placard issued or renewed under this section is valid
28 for a period of time as determined by the department. A person who desires
29 to obtain a temporarily disabled removable windshield placard for an
30 additional period of time shall submit a new application.

31 E. A person or organization that desires to obtain a permanently
32 disabled or temporarily disabled removable windshield placard or
33 international symbol of access special plates shall submit an application to
34 the department on a form furnished by the department that contains one of the
35 following:

36 1. If a permanently or temporarily disabled person, a certificate
37 completed by a hospital administrator or by an authorized physician that
38 certifies that the applicant is physically disabled.

39 2. If an organization, a signed statement by an authorized officer of
40 the organization affirming that the registered vehicle that is owned or
41 leased by the organization and that will display the placard or the
42 international symbol of access special plates primarily transports physically
43 disabled persons.

44 F. On receipt of the application containing the medical certificate
45 or signed statement, if the department finds that the applicant qualifies for

1 the parking privileges pursuant to chapter 3, article 14 of this title, the
2 department shall issue the placard or international symbol of access special
3 plates.

4 G. A person or an organization desiring to renew a permanently
5 disabled removable windshield placard shall submit an application to the
6 department containing one of the following:

7 1. If a permanently disabled person, a signed statement by the person
8 that is witnessed by a department agent or notary public, that requests the
9 renewal of the placard and that affirms that the person is physically
10 disabled.

11 2. If an organization, a signed statement by an authorized officer of
12 the organization affirming that the registered vehicle that is owned or
13 leased by the organization and that will display the placard primarily
14 transports physically disabled persons.

15 H. The placard or international symbol of access special plates shall
16 be displayed on or in the motor vehicle in the manner prescribed by the
17 department.

18 I. A request for special plates issued under this section may be
19 combined with a request for AN HONORED MILITARY LICENSE PLATE ISSUED UNDER
20 ARTICLE 13 OF THIS CHAPTER OR any other special plate. The department shall
21 prescribe the form for the request. The request is subject to payment of
22 ONLY the fee required for the HONORED MILITARY LICENSE PLATE OR other special
23 plate AND IS NOT SUBJECT TO ANY OTHER SPECIAL PLATE FEE UNDER SECTION
24 28-2402. AN INTERNATIONAL SYMBOL OF ACCESS SPECIAL PLATE THAT IS COMBINED
25 WITH AN HONORED MILITARY LICENSE PLATE OR ANY OTHER SPECIAL PLATE IS NOT A
26 PERSONALIZED SPECIAL PLATE UNDER SECTION 28-2406.

27 J. ~~in~~ FOR THE PURPOSES OF this section:

28 1. "Authorized physician" means a doctor of medicine, osteopathy,
29 podiatry or chiropractic licensed to practice medicine in this state or
30 another state or authorized by the United States government to practice
31 medicine.

32 2. "Permanently disabled removable windshield placard" means a
33 two-sided, hooked placard that includes on each side all of the following:

34 (a) The international symbol of access that is at least three inches
35 in height, that is centered on the placard and that is white on a blue
36 shield.

37 (b) An identification number.

38 (c) An expiration date.

39 (d) The seal or other identification of the issuing authority.

40 3. "Physically disabled person" means a person who, as determined by
41 a hospital administrator or authorized physician, meets any of the following
42 conditions:

43 (a) Cannot walk two hundred feet without stopping to rest.

1 (b) Cannot walk without the use of or assistance from any brace, cane,
2 crutch, other person, prosthetic device, wheelchair or other assistive
3 device.

4 (c) Is restricted by lung disease to such an extent that the person's
5 forced respiratory, expiratory volume for one second, if measured by
6 spirometry, is less than one liter, or the arterial oxygen tension is less
7 than sixty mm/Hg on room air at rest.

8 (d) Uses portable oxygen.

9 (e) Has a cardiac condition to the extent that the person's functional
10 limitations are classified in severity as class III or class IV according to
11 standards set by the American heart association.

12 (f) Is severely limited in the person's ability to walk due to an
13 arthritic, neurological or orthopedic condition.

14 4. "Temporarily disabled removable windshield placard" means a
15 two-sided, hooked placard that includes on each side all of the following:

16 (a) The international symbol of access that is at least three inches
17 in height, that is centered on the placard and that is white on a red shield.

18 (b) An identification number.

19 (c) A date of expiration.

20 (d) The seal or other identification of the issuing authority.

21 Sec. 6. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
22 amended by adding section 28-2419, to read:

23 28-2419. Transplantation awareness special plates; fund

24 A. IF, BY JUNE 30, 2004, A PRIVATE COALITION THAT IS QUALIFIED UNDER
25 SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
26 INCOME TAX PURPOSES AND THAT HAS A MISSION OF PROMOTING TRANSPLANTATION
27 AWARENESS PAYS THE DEPARTMENT OF TRANSPORTATION THIRTY-TWO THOUSAND DOLLARS
28 FOR THE IMPLEMENTATION OF THIS SECTION THE DEPARTMENT SHALL ISSUE
29 TRANSPLANTATION AWARENESS SPECIAL PLATES. THE COLOR AND DESIGN OF THE
30 TRANSPLANTATION AWARENESS SPECIAL PLATES SHALL BE DIFFERENT FROM THE COLOR
31 AND DESIGN OF REGULAR LICENSE PLATES DETERMINED BY THE LICENSE PLATE
32 COMMISSION PURSUANT TO SECTION 28-2351.

33 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR
34 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS
35 A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL
36 DONATION.

37 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
38 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
39 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
40 SECTION IN THE TRANSPLANTATION AWARENESS FUND ESTABLISHED BY THIS SECTION.

41 D. THE TRANSPLANTATION AWARENESS FUND IS ESTABLISHED CONSISTING OF
42 MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE
43 FUND.

44 E. THE DIRECTOR SHALL SELECT A PRIVATE COALITION THAT IS QUALIFIED
45 UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR

1 FEDERAL INCOME TAX PURPOSES AND THAT HAS A MISSION OF PROMOTING
2 TRANSPLANTATION AWARENESS AND ALLOCATE THE MONIES IN THE FUND TO THE
3 COALITION ON AN ANNUAL BASIS.

4 F. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
5 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
6 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

7 G. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
8 RELATING TO LAPSING OF APPROPRIATIONS.

9 Sec. 7. Section 28-6501, Arizona Revised Statutes, is amended to read:

10 28-6501. Definition of highway user revenues

11 In this article, unless the context otherwise requires or except as
12 otherwise provided by statute, "highway user revenues" means all monies
13 received in this state from licenses, taxes, penalties, interest and fees
14 authorized by the following:

15 1. Chapters 2, 7, 8 and 15 of this title, except for:

16 (a) The special plate administration fees prescribed in sections
17 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

18 (b) The donations prescribed in sections 28-2404, 28-2412 through
19 28-2415, 28-2417, 28-2418, 28-2453, 28-2454 and 28-2455.

20 2. Chapters 10 and 11 of this title.

21 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
22 in sections 28-5926 and 28-5927.

23 Sec. 8. Section 28-6706, Arizona Revised Statutes, is amended to read:

24 28-6706. Primitive roads

25 A. The board of supervisors OR THE GOVERNING BODY OF A CITY OR TOWN
26 may designate a public road within its jurisdiction as a primitive road as
27 prescribed in this section.

28 B. Neither a county, CITY OR TOWN nor its employees are liable for
29 damages or injuries resulting from the use of a primitive road designated
30 under this section except for intentional injuries or gross negligence caused
31 by an employee acting within the scope of the employee's employment.

32 C. The board of supervisors OR THE GOVERNING BODY OF A CITY OR TOWN
33 shall not designate a road as a primitive road unless it was opened before
34 June 13, 1975 and was not constructed in accordance with county standards.

35 D. The county, CITY OR TOWN shall place signs on every road designated
36 as a primitive road in locations adequate to warn the public. These signs
37 shall state "primitive road, caution, use at your own risk. This surface is
38 not regularly maintained."

39 E. A board of supervisors OR THE GOVERNING BODY OF A CITY OR TOWN
40 shall not designate a state or county highway as a primitive road.

41 Sec. 9. Section 28-6991, Arizona Revised Statutes, is amended to read:

42 28-6991. State highway fund; sources

43 A state highway fund is established that consists of:

44 1. Monies distributed from the Arizona highway user revenue fund
45 pursuant to chapter 18 of this title.

1 2. Monies appropriated by the legislature.

2 3. Monies received from donations for the construction, improvement
3 or maintenance of state highways or bridges. These monies shall be credited
4 to a special account and shall be spent only for the purpose indicated by the
5 donor.

6 4. Monies received from counties under cooperative agreements,
7 including proceeds from bond issues. The state treasurer shall deposit these
8 monies to the credit of the fund in a special account on delivery to the
9 treasurer of a concise written agreement between the department and the
10 county stating the purposes for which the monies are surrendered by the
11 county, and these monies shall be spent only as stated in the agreement.

12 5. Monies received from the United States under an act of Congress to
13 provide aid for the construction of rural post roads, but monies received on
14 projects for which the monies necessary to be provided by this state are
15 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
16 shall be allotted by the department and deposited by the state treasurer in
17 the special account within the fund established for each project. On
18 completion of the project, on the satisfaction and discharge in full of all
19 obligations of any kind created and on request of the department, the
20 treasurer shall transfer the unexpended balance in the special account for
21 the project into the state highway fund, and the unexpended balance and any
22 further federal aid thereafter received on account of the project may be
23 spent under the general provisions of this title.

24 6. Monies in the custody of an officer or agent of this state from any
25 source that is to be used for the construction, improvement or maintenance
26 of state highways or bridges.

27 7. Monies deposited in the state general fund and arising from the
28 disposal of state personal property belonging to the department.

29 8. Receipts from the sale or disposal of any or all other property
30 held by the department and purchased with state highway monies.

31 9. Monies generated pursuant to section 28-410.

32 10. Monies distributed pursuant to section 28-5808, subsection B,
33 paragraph 2, subdivision (d).

34 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

35 12. Except as provided in section 28-5101, the following monies:

36 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
37 subsection B, paragraph 2, subdivision (e).

38 (b) One dollar of each registration fee and one dollar of each title
39 fee collected pursuant to section 28-2003.

40 (c) Two dollars of each late registration penalty collected by the
41 director pursuant to section 28-2162.

42 (d) The air quality compliance fee collected pursuant to section
43 49-542.

44 (e) The special plate administration fees collected pursuant to
45 sections 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

1 ~~(f) The windshield sticker fee collected pursuant to section 28-2355.~~

2 (g) (f) Monies collected pursuant to sections 28-372, 28-2155 and
3 28-2156 if the director is the registering officer.

4 13. Monies deposited pursuant to chapter 5, article 5 of this title.

5 14. Donations received pursuant to section 28-2269.

6 15. Dealer and registration monies collected pursuant to section
7 28-4304.

8 16. Abandoned vehicle administration monies deposited pursuant to
9 section 28-4804.

10 17. Monies deposited pursuant to section 28-710, subsection D,
11 paragraph 2.

12 Sec. 10. Section 28-6993, Arizona Revised Statutes, is amended to
13 read:

14 28-6993. State highway fund; authorized uses

15 A. Except as provided in subsection B of this section and section
16 28-6538, the state highway fund shall be used for any of the following
17 purposes in strict conformity with and subject to the budget as provided by
18 this section and by sections 28-6997 through 28-7003:

19 1. To pay salaries, wages, necessary travel expenses and other
20 expenses of officers and employees of the department and the incidental
21 office expenses, including telegraph, telephone, postal and express charges
22 and printing, stationery and advertising expenses.

23 2. To pay for both:

24 (a) Equipment, supplies, machines, tools, department offices and
25 laboratories established by the department.

26 (b) The construction and repair of buildings or yards of the
27 department.

28 3. To pay the cost of both:

29 (a) Engineering, construction, improvement and maintenance of state
30 highways and parts of highways forming state routes.

31 (b) Highways under cooperative agreements with the United States that
32 are entered into pursuant to this chapter and an act of Congress providing
33 for the construction of rural post roads.

34 4. To pay land damages incurred by reason of establishing, opening,
35 altering, relocating, widening or abandoning portions of a state route or
36 state highway.

37 5. To reimburse the department revolving account.

38 6. To pay premiums on authorized indemnity bonds and on compensation
39 insurance under the workers' compensation act.

40 7. To defray lawful expenses and costs required to administer and
41 carry out the intent, purposes and provisions of this title, including
42 repayment of obligations entered into pursuant to this title, payment of
43 interest on obligations entered into pursuant to this title, repayment of
44 loans and other financial assistance, including repayment of advances and
45 interest on advances made to the department pursuant to section 28-7677, and

1 payment of all other obligations and expenses of the board and department
2 pursuant to chapter 21 of this title.

3 8. To pay lawful bills and charges incurred by the state engineer.

4 9. To acquire, construct or improve entry roads to state parks or
5 roads within state parks.

6 10. To acquire, construct or improve entry roads to state prisons.

7 11. To pay the cost of relocating a utility facility pursuant to
8 section 28-7156.

9 12. For the purposes provided in subsections C, D and E of this section
10 and sections 28-1143, 28-2353 and 28-3003.

11 B. For each fiscal year, the department of transportation shall
12 allocate and transfer monies in the state highway fund to the department of
13 public safety for funding a portion of highway patrol costs in eight
14 installments in each of the first eight months of a fiscal year that do not
15 exceed ten million dollars.

16 C. Subject to legislative appropriation, the department may use the
17 monies in the state highway fund as prescribed in section 28-6991, paragraph
18 12 to carry out the duties imposed by this title for registration or titling
19 of vehicles, to operate joint title, registration and driver licensing
20 offices, to cover the administrative costs of issuing the air quality
21 compliance sticker, modifying the year validating tab and issuing the
22 windshield sticker and to cover expenses and costs in issuing special plates
23 pursuant to sections 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

24 D. The department shall use monies deposited in the state highway fund
25 pursuant to chapter 5, article 5 of this title only as prescribed by that
26 article.

27 E. Monies deposited in the state highway fund pursuant to section
28 28-2269 shall be used only as prescribed by that section.

29 F. Monies deposited in the state highway fund pursuant to section
30 28-710, subsection D, paragraph 2 shall only be used for state highway work
31 zone traffic control devices.

32 G. The department may exchange monies distributed to the state highway
33 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
34 government surface transportation program federal monies suballocated to
35 councils of government and metropolitan planning organizations if the local
36 government scheduled to receive the federal monies concurs. An exchange of
37 state highway fund monies pursuant to this subsection shall be in an amount
38 that is at least equal to ninety per cent of the federal obligation authority
39 that exists in the project for which the exchange is proposed.

40 Sec. 11. Section 28-7312, Arizona Revised Statutes, is amended to
41 read:

42 28-7312. Tourism encouragement; Arizona highways magazine

43 A. The director may spend monies from the state highway fund in the
44 amount prescribed by law to encourage tourist travel to and through this
45 state by giving publicity to points and places of historic interest, climatic

1 and recreational advantages, the possibilities of successful pursuits and
2 industrial enterprises and other information that in the opinion of the
3 director tends to attract visitors to this state.

4 B. The publicity shall be given through the medium of the magazine
5 "Arizona Highways" and the publication of maps, pamphlets and other
6 descriptive material designed to carry out the purposes of this article.

7 C. The director shall determine the price for:

8 1. Annual subscriptions, single copies and the discount allowed
9 dealers of "Arizona Highways".

10 2. Other material published and offered for sale by the magazine.

11 D. The director may distribute the magazine free of charge to
12 libraries, schools, chambers of commerce, hotels, tourist agencies, visitors,
13 prospective visitors, other persons, agencies and business, industry or
14 convention organizations in quantities the director deems beneficial in
15 carrying out the purposes of this article. The number of free copies of the
16 magazine each month shall not exceed ten per cent of the total number of paid
17 subscriptions.

18 E. THE DIRECTOR MAY LICENSE THE NAME OF THE MAGAZINE "ARIZONA
19 HIGHWAYS" TO A PRIVATE ENTITY FOR COMMERCIAL PURPOSES.

20 Sec. 12. Use of funds; department of transportation;
21 appropriation

22 Of the appropriation of \$2,750,400 in Laws 2001, second special
23 session, chapter 5, section 64 to the motor vehicle division of the
24 department of transportation for security enhancement issues and the
25 replacement and upgrade of computer equipment, the sum of \$111,000 shall be
26 used by the motor vehicle division for implementation of the provisions of
27 this act.

28 Sec. 13. Emergency

29 This act is an emergency measure that is necessary to preserve the
30 public peace, health or safety and is operative immediately as provided by
31 law.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.

Passed the House April 15, 20 03,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting
with emergency

Jake Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

Passed the Senate February 13, 20 03,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumenthal
President of the Senate
Charmine B. Livingston
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of
_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1063

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 6, 2003

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

John Blumenthal With Emergency
President of the Senate

Charmine S. Senter
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2003

at 3:11 o'clock P M.

Sandra Hamirey
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9¹⁰ o'clock A. M.

J. T. Apple
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003,

at 11:03 o'clock P M.

James L. Swann
Secretary of State

S.B. 1063